

DELMAS IN SERIOUS CLASH

District Attorney Accuses Chief Counsel for Thaw of Trying to Mislead the Jury.

DELMAS KEEPS COOL AND STRIKES BACK FORCIBLY

Days Spent With Alienist on Stand, Who Holds Thaw Irresponsible.

NEW YORK, Feb. 12.—District Attorney Jerome and Delmas came together today in the first serious clash between counsel in the Harry K. Thaw trial. The California attorney, who is directing the defense, took exception to certain statements of the prosecuting officer, and had inserted in the record of the case a protest against "the misconduct of the learned District Attorney."

Mr. Jerome hotly accused Mr. Delmas of trying to instill into the minds of the jury the implied suggestion that the operation performed on Evelyn Nesbit in 1903, before Thaw took her to Europe, was "of a criminal nature," when, "as a matter of fact," he said, "it was for appendicitis."

Mr. Delmas called the attention of Justice Fitzgerald to this, saying that the District Attorney was stating facts in evidence, and that a "very serious exception must be taken to his remarks."

"Send the jury out of the room if you want to," exclaimed Mr. Jerome. "I am going to get this thing straight. I am not going to have these false impressions fostered before this jury."

Dr. Britton D. Evans, superintendent of the State Hospital for the Insane at Morris Plains, N. J., was testifying at the time of the disagreement. He had declared he was of the opinion that Harry K. Thaw was insane at the time of the tragedy. He had been called upon to answer a long hypothetical question, in which reference had been made to "a serious if not capital operation" on Miss Nesbit when the crime broke.

Delmas Kept His Temper.

Mr. Jerome seemed thoroughly brought up. Mr. Delmas did not for a moment lose his calm demeanor, but he gave emphasis and force to his words in his hearing. Jerome said he would withdraw the objection to the

Winner's Coming—I Smell It!

When your stomach feels happy when meal-time comes? When you smile in the air the appetizing aroma of something cooking, do you feel that you could sit down, open your mouth, pin back your ears and with a delicious gusto, everything that comes before you, and not feel any bad after you from it?

In other words, can your poor stomach take care of everything and anything you put into it? There are thousands and thousands of people who do not know what it is to have a good, strong, healthy stomach, nor do they realize what it is to have a good appetite.

You can have an all-powerful stomach and a fetching appetite for every meal and every day, if you give your stomach a rest, and let something else take hold of your food for you and digest it as it comes into the stomach, something that is harmless but that will do the work of digesting, and that is—Stuart's Dyspepsia Tablets, the most effective little pills in the world for curing anything that may be wrong with your stomach. One ingredient of these tablets is a powerful, digesting, 3,000 grains of the coarsest or richest food that goes into the stomach. Think of it, 3,000 grains! They are really an artificial stomach, because they act just like your stomach, they digest your food, just as though you didn't have a stomach at all. It supplies the stomach with the digestive juices which become weak and scanty.

Then your indigestion, dyspepsia, flatulence, brain, belchings, acidity, food, bloated feeling, heartburn and all other ailments that are caused by a weak stomach will be no more. You can then do anything you want, and your stomach will feel fine before and after your meals. Your appetite will be a thing to be proud of, and your meals will be a pleasure to eat and relish, and your digestion will be thorough and healthy to the whole body.

term "capital operation" if Mr. Delmas would give him the word of counsel that they did not know the nature of the operation. Mr. Delmas gave his word that he did not know of its nature.

"But you may consult with counsel," suggested Mr. Jerome.

"I do not care to do that," replied Mr. Delmas. "It is not essential."

"Ah," cried the District Attorney, in a loud voice, "then you do want to make this insinuation?"

"The District Attorney strangely forgets his character and position when he charges me with an attempt to deceive," retorted Mr. Delmas with more feeling in his voice than at any time during the trial. "He must, upon deliberation, see the injustice of his implied discourtesy."

"I see injustice plainly," retorted Mr. Jerome, "but not in my remarks." Justice Fitzgerald did not rule out any of the District Attorney's remarks before the jury, and Mr. Delmas took care to have every exception he made "seriously noted."

Jerome Wins His Point.

Mr. Jerome won his point, and the words "serious if not capital," as defining the operation, were withdrawn by Mr. Delmas.

During the trial Mr. Delmas asked the District Attorney how he learned of the character of the operation upon Miss Nesbit without violation of a confidence. Mr. Jerome said he had been told of it by Miss Nesbit's mother, Mrs. Holman of Pittsburgh. It thus became known, for the first time, that the District Attorney is in possession of a long statement by Mrs. Holman.

Dr. Evans was questioned all day, occupying nearly two hours of the afternoon session in a perusal of the letters written by Harry Thaw at the time of his estrangement with Miss Nesbit.

Dr. Evans was by far the most satisfactory expert witness to the defense so far produced. He detailed to the jury his observations and examinations of Harry Thaw during his eight visits to the prisoner in the Tombs, and declared it to be his opinion that Thaw was suffering from "a brain storm or an explosive or fulminating condition of mental unsoundness" at the time he shot and killed White.

Good Witness for Thaw.

Dr. Evans gave many and elaborate reasons for his opinion, and during his examination Mr. Delmas deftly brought out the fact that whereas Thaw was suffering from "storm and stress" when the alienist first visited him in August last, his condition had shown steady and gradual improvement until on October 8, when Thaw was "more composed and deliberate."

Dr. Evans declared that the mental explosion which induced Thaw to kill Stanford White had left its traces on the defendant when he first visited him. He said Thaw exhibited symptoms of paranoia and adolescent insanity.

The first was indicated by his exaltation, his "exaggerated ego"—the idea of his supreme importance. The adolescent insanity was due to heredity, and is characteristic to the development period of life—from 10 to 40 years.

Mind Slipped Its Moorings.

Thaw's mind, Dr. Evans said, had slipped its moorings and was like a ship without a rudder. Ordeals of stress had added their work to the psychopathic taint which came from heredity. Dr. Evans said that after his first three visits to Thaw following the tragedy he was convinced that the man was of unsound mind. As the result of his last visits he found that while, still suffering from a somewhat exaggerated opinion of self-importance, he was much improved. The improvement was progressive.

This testimony was brought out in line with the contention of the defense that, while Thaw was insane prior to and at the time and immediately subsequent to the homicide, he has improved to a sound condition of mentality following the removal of the cause of the stress.

Dr. Evans may be cross-examined tomorrow, although District Attorney Jerome had not indicated his course. It may be that Mr. Delmas will recall Mrs. Thaw to continue her story, now that expert witnesses have testified as to Thaw's insanity prior to the tragedy. The defense has other alienists, however, who may be called to testify.

TOO LATE FOR ACTION.

Newspapers Printing Details of Thaw Case Will Not Be Barred.

WASHINGTON, Feb. 12.—Postmaster-General Conroy today made a statement about the President's inquiry as to whether it was feasible to bar from the mails newspapers printing the "discussing" particulars of the Thaw trial. He said he had turned the matter over to the Attorney-General and will discuss the matter with him later.

It is practically admitted that it is too late to anything that can have a bearing upon the publication of the Thaw trial. The difficulty of making any such regulation is also recognized.

DAY OF DEBATE.

Right of Government to Appeal in Criminal Cases Occupies Senate.

WASHINGTON, Feb. 12.—The Senate occupied the day in argument on the bill granting the government the right to take an appeal on points of law in criminal cases. The opposition came mainly from Senators Patterson, Knox, Nelson and Heburn of Idaho, and elaborate defenses of the proposition were made by Senators Rayner and White of Maryland. No action being taken on the measure, Senator Nelson gave notice that he will move its consideration tomorrow. Senator Lodge indicated that he should press the Philippine agricultural bank bill tomorrow.

The District of Columbia appropriation bill, carrying \$19,724,522, an increase of \$67,298 over the amount as passed by the House, was taken up, and notice has been given that the bill will be put on its passage tomorrow.

Social dances every Wednesday and Saturday nights, Red Men Hall, by Prof. Eastman.

Tired Nervous Women Make Unhappy Homes



MRS. NELLIE MAKHAM MRS. GEO. A. JAMES

A nervous irritable woman, often on the verge of hysterics, is a source of misery to everyone who comes under her influence, and unhappy and miserable herself.

Such women not only drive husbands from home but are wholly unfit to govern children.

The ills of women act like a fire brand upon the nerves, consequently seven-tenths of the nervous prostration, nervous despondency, the "blues", sleeplessness, and nervous irritability of women arise from some organic derangement.

Do you experience fits of depression with restless alternating with extreme irritability? Do you suffer from pains in the abdominal region, headache, bearing-down pains, nervous dyspepsia, sleeplessness, and almost continually cross and snappy? If so, your nerves are in a shattered condition and you are threatened with nervous prostration.

Proof is monumental that nothing in the world is better for nervous troubles of women than Lydia E. Pinkham's Vegetable Compound, made from native roots and herbs. Thousands and thousands of women can testify to this fact.

Mrs. Nellie Makham, of 151 Morgan St., Buffalo, N. Y., writes:— "I was wrecked from nervous prostration. Lydia E. Pinkham's Vegetable Compound, made from native roots and herbs, contains no narcotics or harmful drugs and today holds the record for the largest number of actual cures of female diseases of any medicine the world has ever known, and thousands of voluntary testimonials are on file in the laboratory at Lynn, Mass., which testify to its wonderful value.

Lydia E. Pinkham's Vegetable Compound; a Woman's Remedy for Women's ills.

LARGEST LIVESTOCK SHIPMENT ON RECORD

Chicago and Northwestern Delivered 1,028 Carloads Stock at Windy City Monday.

CHICAGO, Feb. 12.—The Chicago & Northwestern railroad established a new record for live stock traffic yesterday by bringing to Chicago 1,028 carloads of stock, the largest amount ever brought here in a single day by any railroad.

At least 75 per cent of this stock originated in Iowa and Nebraska, the average haul being about 400 miles and the average speed twenty-five to thirty miles an hour. A remarkable fact is that all of the thirty-five trainloads of live stock were delivered before 6:30 o'clock yesterday morning and the last car of live stock was unloaded at the Union stock yards before 10:29 a. m.

The feat of handling such an amount of live stock with such dispatch and in the most remarkable manner that the average temperature in Iowa Sunday was about 16 degrees above zero, making the test on the motive power severe.

Railroad Notes.

A. E. Welby, general superintendent of the Denver & Rio Grande, will arrive in Salt Lake today. He is making one of his periodical inspection visits.

A telegram received from J. H. Burtner, district freight and passenger agent of the Salt Lake Route, contains the information that the Salt Lake Elks arrived at the city of the Angels on Monday afternoon on time, and all were well and happy.

CURIOUS FAMILY.

Coffee Ruined Them.

A lady writes how coffee treated her family. "I was born of a sick-headache family," she says; "my father, English by birth, loved his roast beef and plum pudding, and every rich dish that could be brought on the table, and always drank coffee."

"Associated with my earliest memories is the picture of my father, at times walking the floor and grinding his teeth, his face drawn with pain, and his eyes rolling as in a delirium. He suffered this every few weeks. His brother was similarly afflicted, as was also his sister."

"I have had many ailments, which I can now see were properly chargeable to the coffee I drank. I am 63 years old, and for the last half of my life have been a sufferer from kidney troubles, and extreme nervousness, often tossing about till 4 or 5 o'clock in the morning. My general health suffered, of course, and along with everything else was the constantly recurring agony of sick headache."

"Loving to live, yet life only a burden! "A friend urged me to quit coffee and drink Postum Food Coffee. I was loth to give it up, but at last I made the change, and it soon made a wonderful change in me. For two years now I have used Postum Food Coffee; it has brought me sound and refreshing sleep at night, as when a child. I have had the headache only twice in the last year, the kidney trouble is passing away and my flesh has been renewed. I used to eat little or no breakfast—had no appetite. Now I wake up hungry and enjoy the meal with a relish. I do not tremble or stagger from dizziness, as formerly, my nervousness is gone. The old fits of depression and despondency have given way to the enjoyment of life."

"I conclude from my own experience that coffee is a subtle and deadly poison, and that it is the cause of many disorders in the human system. "I find Postum Food Coffee, properly made, a most delicious, invigorating beverage, that heats while it nourishes. It has cured me, and I'm sure it has added years to my life." Name given by Postum Co., Battle Creek, Mich.

NATIONAL CONTROL OF GRAZING LANDS

Senate Committee Agrees to Burkett Amendment Agricultural Appropriation Bill.

PROVISION FOR PROTECTION OF BONA FIDE SETTLERS

Homesteaders to Have Preference in Allotment of Grazing Lands Near Their Homes.

WASHINGTON, Feb. 12.—Without continuing its hearing upon the Burkett amendment to the Agricultural Appropriation bill providing for the leasing of the public lands for grazing, the Senate committee today agreed to adopt the amendment. Several amendments to the Burkett proposition were adopted, however, designed to protect the interests of the homesteaders.

The policy outlined, which is favored by the majority of the committee, is not unlike that of a point of order may be made against it in the Senate, and it is conceded to be general legislation. One amendment provides that the Secretary of Agriculture is to exercise control of and fix the fees to be charged for grazing.

Following is the text of the grazing amendment agreed upon by the committee:

Text of Amendment.

Hereafter, for the purpose of restoring, protecting and increasing the grazing value of the public domain and promoting the agricultural use thereof, the Secretary of Agriculture may organize grazing districts to regulate and control grazing upon the unappropriated or reserved lands of the United States, under such rules and regulations as he may prescribe, and charge and collect reasonable fees for grazing thereof, the receipts to be deposited in the treasury of the United States to the credit of the special fund hereby appropriated and made available in addition to its present uses and under the restrictions provided by law for the regulation, restoration, protection, and increase of grazing upon the public lands and for the employment of necessary assistants for such purposes in the city of Washington and elsewhere and it shall be unlawful after January 1, 1908, to graze any livestock upon any organized grazing district otherwise than as the said rules and regulations shall prescribe.

Will Protect Homesteaders.

Provided, that all leases or permits to graze issued under this provision shall be subject to the right of the homesteader or other settler of the public lands or other so made shall operate as a cancellation of said lease or permit as to the land so appropriated, provided further that bona fide homesteaders or residents shall be permitted to graze free of charge their stock used for necessary domestic purposes on the public lands affected hereby.

Provided, that preference shall be given to bona fide homesteaders and settlers in the allotment of an equitable proportion of ranges adjacent to their homes not later than the beginning of the next annual grazing period, and provided further that all of the receipts from the grazing fees herein authorized in excess of the cost of administration, protection and improvement of the public range, and necessary working capital for the ensuing fiscal year shall be paid to the States and Territories in which said fees originate at the close of each fiscal year, to be used for schools, roads, irrigation, or other public purposes as the respective Legislatures may prescribe, the distribution of such residue to be proportional to the receipts from said grazing fees from the preceding fiscal year, but nothing herein shall be construed to prevent the payment of ten per cent of receipts from National Forests to the States and Territories as now provided by law.

RAILROAD FROM AUSTIN TO MANHATTAN, NEV.

Report That the Line Will Build Through the Smoky Valley.

Another railroad for Nevada is the latest report. The information is given out by James Travers, one of the publishers of the Round Mountain Nugget, issued at that place, that a railroad is to be built through Smoky valley from Austin south to Manhattan and later will be extended to Tonopah. Mr. Travers, in an interview, states that Philadelphia capitalists are interested in the project and will furnish the capital.

"While in Philadelphia," Mr. Travers is quoted as saying, "I had several talks with the men who are backing the new enterprise and they told me positively that the road will be built and that work on it will commence about May 1 and it will be rushed to completion as fast as men and money can build it."

"Charles S. Lemon and Harry Overman, of Manhattan, who have successfully promoted the enterprise, are now in Philadelphia, and about March 15, they and some of the men who are furnishing the coin for the building of the road will start on their way to Nevada to inspect the route of the proposed railroad. One of these men, the president of a Philadelphia bank, a multimillionaire, a gentleman who stands high in the financial world, asked me many questions as to the possible tonnage, the necessity of the rich new camps situated in Smoky valley, which I answered to his evident satisfaction for at the conclusion of the interview he expressed his interest in the project. I can assure you and you can announce it in your newspaper that the road will be built. We have all the necessary money for the purpose. We have the final surveys and will leave for Nevada to inspect the route about the middle of March. In fact, we would go on now if the weather conditions out there were better. We will start work about May 1 and there will be no delays after the start is made. The road will be standard gauge and after the main line is completed, we intend building feeders to several of the rich new camps situated in Smoky valley, that can furnish sufficient tonnage to justify the undertaking. We have had the route surveyed, and in every instance they have more than confirmed the estimates as to the earning powers of the proposed road, made by Mr. Lemon and Mr. Overman."

UNION PACIFIC CHANGES.

Interesting Rumors Regarding Officials of Passenger Department.

Following the promotion of W. H. Murray, from chief clerk of the Union Pacific's general passenger department at Omaha to assistant general passenger agent, has come highly interesting rumors of other changes and promotions in the same department, which, if true, will be in accordance with the Harriman policy for the system as well as its individual lines.

According to these reports, E. L. Lomax, for so many years general passenger agent of the Union Pacific, is to be succeeded by George S. Grammer, chief of the Fort, assistant general passenger agent, is to become general passenger agent, and George S. Grammer, vice-president of the Union Pacific, is to be promoted to Mr. Fort. It is also stated that the authorities of Alfred Carlow, dean of an advertising agency, will be transferred and his field of operations broadened, by giving to him the authority and personal supervision over a literary bureau about to be created.

Mr. and Mrs. Keyes Home.

Mr. and Mrs. K. O. Keyes returned to the city Tuesday morning. Mrs. Keyes accompanied her husband as far as Denver and Mr. Keyes went East to Chicago. He attended the funeral of Capt. George S. Grammer, vice-president of the New York Central lines, at that place last week, and says that hundreds turned out to pay respect to the memory of the esteemed railroad official.

Do You Desire to Go to a Warmer Climate? If so, ask the ticket agent to sell you one of those round trip tickets, Feb. 15, Utah to Mexico City. Only \$64.40. Remember, via El Paso and Mexican Central railway.

BEFORE anemic people use Scott's Emulsion their blood is thin and starved, their general health poor, and their spirits depressed. The raw winds go right through them and cause colds, bronchitis and catarrh. AFTER they use Scott's Emulsion their blood is rich and abundant, their general health excellent and their spirits buoyant. Then cold winds have no terrors for them. ALL DRUGGISTS, 50c. AND \$1.00.

\$50.00 We collected fifty honest dollars for G. F. Culmer & Bro. the other day. It was 13 1/2 years old. We can collect some for you if you turn in your claims. Red streaks of honesty exist in everybody.

Merchants' Protective Association SCIENTIFIC COLLECTORS OF HONEST DEBTS, FRANCIS G. LUKE, General Manager, 5th floor Commercial National Bank Building, Salt Lake City, Utah. "SOME PEOPLE DON'T LIKE US."

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